



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
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NGB-J1-TN

10 June 2005

MEMORANDUM FOR: THE HUMAN RESOURCE OFFICERS OF ALL STATES, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN ISLANDS, THE DISTRICT OF COLUMBIA AND THE TERRITORY OF GUAM

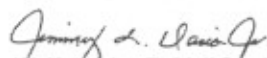
SUBJECT: Policy Regarding Employment of Relatives (Nepotism) (TN-05-42)

1. This memorandum restates National Guard Bureau (NGB) policy regarding nepotism, or employment of relatives, and clarifies application of provisions of 5 U.S.C. 3110 that outlines the legal restrictions on the employment of relatives. Nepotism is characterized as favoritism shown or patronage granted to relatives by reason of blood, adoption, or marriage, especially in granting jobs. NGB's policy with respect to nepotism is to not only avoid potential conflict of interest, but also to avoid the appearance of conflict of interest.
2. Title 5, Code of Federal Regulations, Section 310, "EMPLOYMENT OF RELATIVES" applies to all National Guard personnel. A public official may **NOT** employ, promote, or advocate (orally or in writing) the employment, promotion, or advancement of his/her own relative(s) at their own place of employment or in other locations under the official's jurisdiction or control. This prohibition includes the review and approval of performance appraisals, within-grade increases, incentive awards, classification actions, and adverse or disciplinary actions. Family members should **NOT** be assigned where one member will or may (in the absence of another employee) hold a command or supervisory position over another family member.
3. For purposes of this policy, the term "relative" or "family member" refers to associations with individuals by blood, adoption, marriage and/or co-habitation and are defined as: spouse, fiancé, fiancée, mother, stepmother, mother-in-law, father, stepfather, father-in-law, guardian(s), sister, sister-in-law, half-sister, brother, brother-in-law, half brother, ward(s), daughter, step-daughter, daughter-in-law, son, son-in-law, step-son, aunt, uncle, niece, nephew, grandparent, grandchild, and co-habitant.
4. For purposes of this policy, the term "public official" means an officer, a member of the uniformed services, an employee, and any other individual, in who is vested the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

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5. Federal law does not prohibit relatives from working in the same agency, the same office or even for each other. If a technician supervises a relative, however, all authority and responsibility for personnel actions must be delegated (in writing) to a higher-level supervisor or manager. "Personnel action" means an appointment, reinstatement, promotion, detail, transfer or reassignment, restoration or reemployment, decisions concerning pay, within grade increases, performance evaluation, benefits or awards, disciplinary or corrective action, and other significant changes in duties or responsibilities.
6. The State Adjutant General may prohibit the employment of relatives in certain situations based on conflicts of interest, interference with the orderly operation of an activity, or other reasons that might be disruptive to work. In circumstances where the work of the unit or its employees, or the safety and morale of the employees in the unit, or the fair and impartial supervision and evaluation of employees is demonstrably and adversely affected by a personal relationship, the affected employees may be accommodated by the assignment or reassignment of one or the other to the next reasonable available vacancy
7. When necessary to meet urgent needs resulting from an emergency/immediate threat to life or property, or a national emergency, relatives/family members may be employed without regard to nepotism considerations. "Special Needs Appointments" under these conditions are temporary and not to exceed one month, but may be extended for a second month if the emergency still exists.
8. This policy memorandum has been coordinated with NGB-JA. Questions regarding nepotism may be directed to Ms. Rebecca Stark, NGB-J1-TNS, at DSN 327-5418 or 703-607-5418.


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